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3 Reno, Nevada 89509

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5 (775) 786-1695

*Eef 8/20/08*

6 Attorney for Secured Creditor  
7 Donald Ellis

8  
9  
10 UNITED STATES BANKRUPTCY COURT

11 DISTRICT OF NEVADA

12 oOo

13 IN RE

14 ROBYN ROTH,

15 Debtor(s). /

16 BK-N- 08-51107

17 CHAPTER 12

18 Hearing Date: 9/9/08

19 and Time: 2:00 p.m.

20 Mtn No. \_\_\_\_\_

21 Est Time: 5 Minutes

22 OBJECTION TO CHAPTER 12 PLAN

23 COMES NOW Secured Creditor above named by and through  
24 undersigned counsel and files the following objection to the Debtor's  
25 Chapter 12 Plan.

26 The Plan cannot be confirmed because the Debtor does not qualify  
27 for relief under Chapter 12. 11 U.S.C. §101(18) defines the term "family  
28 farmer" as:

29 A) individual or individual and spouse engaged in a  
30 farming operation whose aggregate debts do not exceed  
31 \$3,544,525 and not less than 50 percent of whose aggregate  
32 noncontingent, liquidated debts (excluding a debt for the  
33 principal residence of such individual or such individual and  
34 spouse unless such debt arises out of a farming operation),  
35 on the date the case is filed, arise out of a farming operation  
36 owned or operated by such individual or such individual and  
37 spouse, and such individual or such individual and  
38 spouse receive from such farming operation more than 50  
39 percent of such individual's or such individual and spouse's  
40 gross income for--

1 (i) the taxable year preceding; or

2 (ii) each of the 2d and 3d taxable years preceding the  
taxable year in which the case concerning such individual or  
such individual and spouse was filed; or

3 (B) corporation or partnership in which more than 50  
4 percent of the outstanding stock or equity is held by one  
5 family, or by one family and the relatives of the members of  
such family, and such family or such relatives conduct the  
6 farming operation, and

7 (i) more than 80 percent of the value of its assets  
8 consists of assets related to the farming operation;

9 (ii) its aggregate debts do not exceed \$3,544,525 and  
10 not less than 50 percent of its aggregate noncontingent,  
11 liquidated debts (excluding a debt for one dwelling which is  
12 owned by such corporation or partnership and which a  
shareholder or partner maintains as a principal residence,  
unless such debt arises out of a farming operation), on the  
date the case is filed, arise out of the farming operation  
owned or operated by such corporation or such partnership;  
and

13 (iii) if such corporation issues stock, such stock is not  
14 publicly traded.

15 Emphasis supplied

16 The term "farming operation" is also defined in the Bankruptcy  
17 Code. Pursuant to 11 U.S.C. §101(21) provides:

18 The term "farming operation" includes farming, tillage of the  
19 soil, dairy farming, ranching, production or raising of crops,  
20 poultry, or livestock, and production of poultry or livestock  
products in an unmanufactured state.

21 In the case at bar, the Debtor does nothing of the sort. She boards  
22 dogs. She does not ranch, she does not sell livestock, she does not raise  
23 crops. The proof is on her Internet advertisement.

24 The Debtor maintains a website at  
25 <http://www.honeybearskennels.com>. A copy of the Debtor's website is  
26 attached hereto as Exhibit "A". Since the website contains different links,  
27 the pages are not numbered. For that reason, the exhibit has been  
28

1 batestamped. There is a picture of the land at batestamp 008. It is raw  
2 desert. There is nothing growing on it but sagebrush.

3 The website is specific. Honey Bear's Country Kennels cares for  
4 your pet's well being. It contains pictures of cages, wash basins and  
5 other pet care items. While §101(21) does include the raising of poultry  
6 or livestock, it says nothing about the care and feeding of people's pets.

7 Another reason confirmation should be denied is that there has  
8 been no opportunity to examine the Debtor regarding her income and  
9 debts. More than 50 percent of her income for the preceding tax year or  
10 each of the second and third taxable years preceding the bankruptcy  
11 filing must be based on a farming operation. If the Debtor is claiming  
12 Honey Bears Country Kennels, Inc. renders her eligible, then she must  
13 prove that corporation owes the debts and that at least 50 percent of the  
14 debt is attributable to a farming operation.

15 For those reasons, the Court should deny confirmation of this plan.

16 Dated: This 19 day of August, 2008

17  
18 By: \_\_\_\_\_  
19

20 Michael Lehnner, Esq.  
21 429 Marsh Ave.  
22 Reno, Nevada 89509  
23 Nevada Bar Number 003331  
24  
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26  
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# EXHIBIT "A"

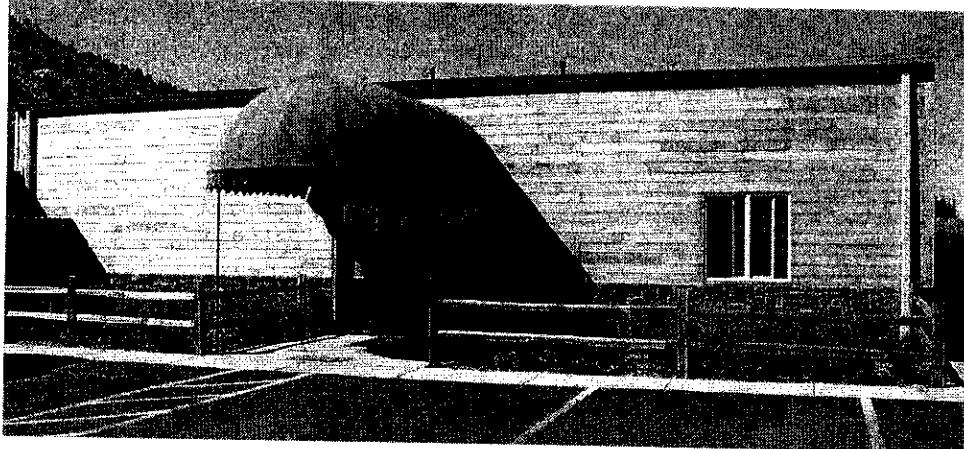


## Honey Bears Country Kennels and Farms

Honey Bear's Country Kennels cares for you and your pet's well being

Honey Bear

- [Home](#)
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Driving

### Directions:

- From Reno, take US-395 N.
- Exit # 74 Lemmon Dr.
- Bear right onto Lemmon Dr.
- Go 4.8 miles on Lemmon Dr.
- Turn right onto Waterash St.
- Turn right onto Tupelo Dr.
- Turn left onto Matterhorn Blvd.
- Approximately 3 miles up on the Left.

Please contact contact us by phone for reservations and rates

Telephone

1-800-713-7177

FAX

1-775-970-5183 (Be sure to dial 1-775 from the Reno-Sparks area)

Postal address

3510 Matterhorn Blvd.  
Reno, Nevada 89506

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## Services

**Honey Bear's Country Kennels cares for you and your pet's well being**

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**Offering boarding for our K-9 friends  
and deluxe cat condos for our feline friends.**

**Large in/out door runs ( 6'W X 16'L )**

**Large outside play areas**

**Walking trails**

**Specialized Meal Service**

**Bathing & brushing service**

**Climate controlled environment**

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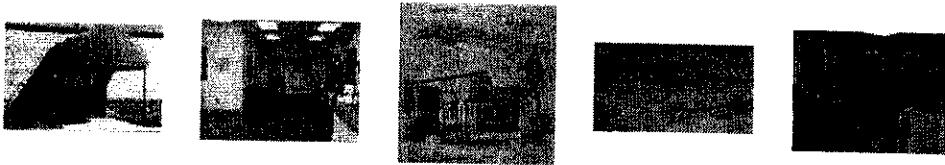
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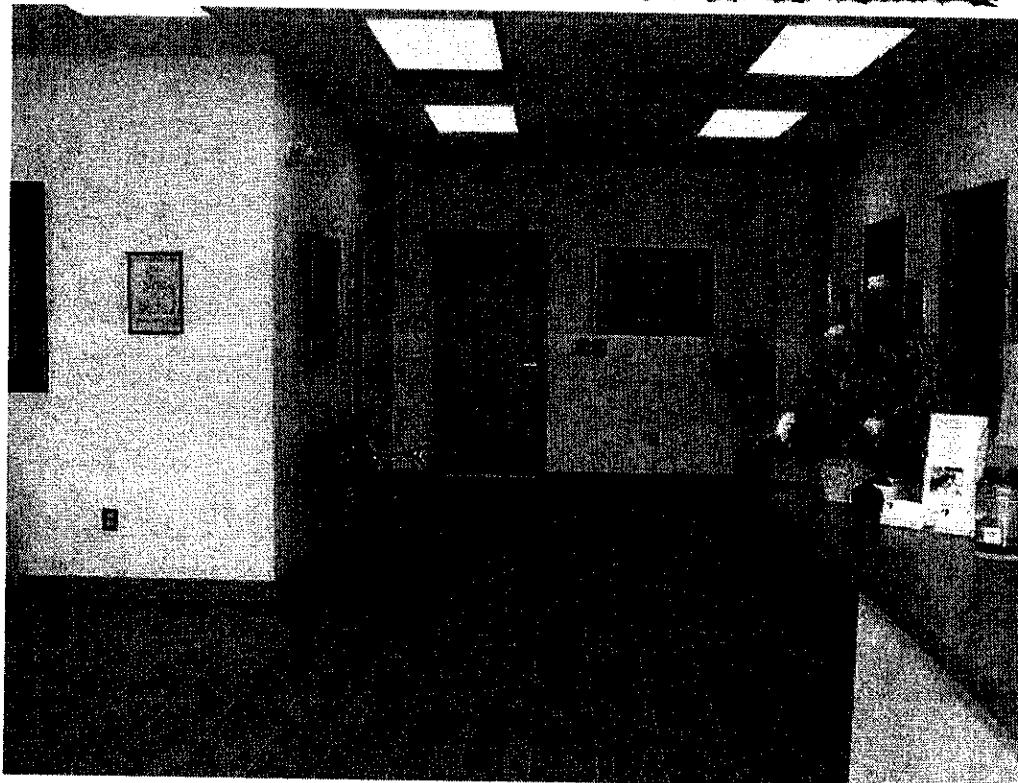
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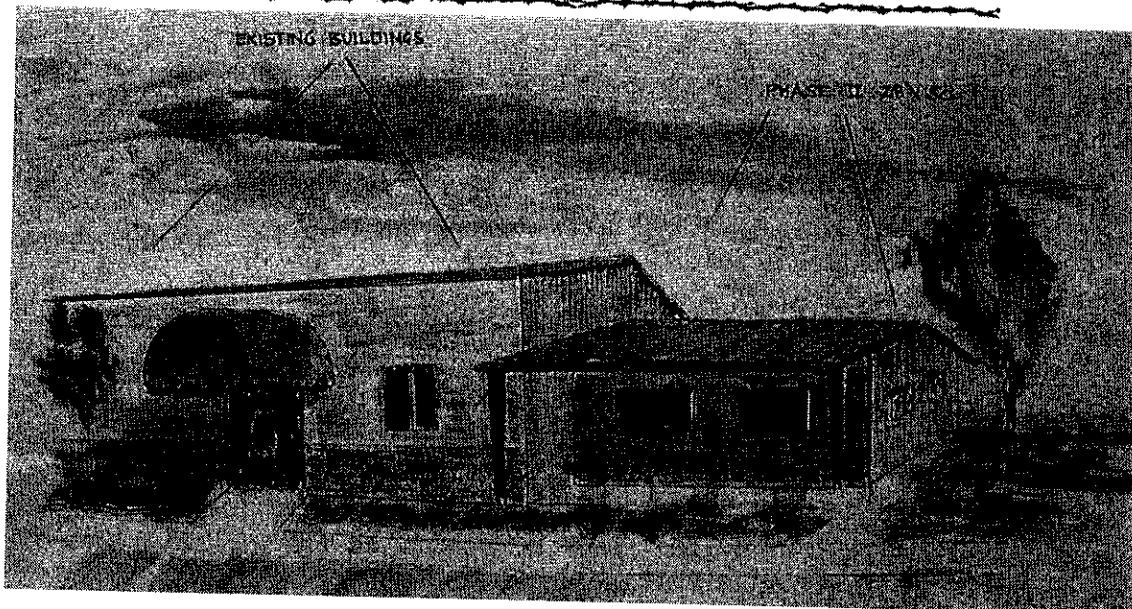
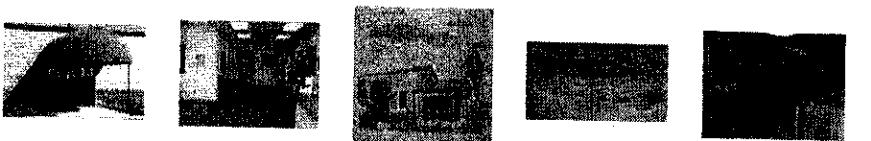
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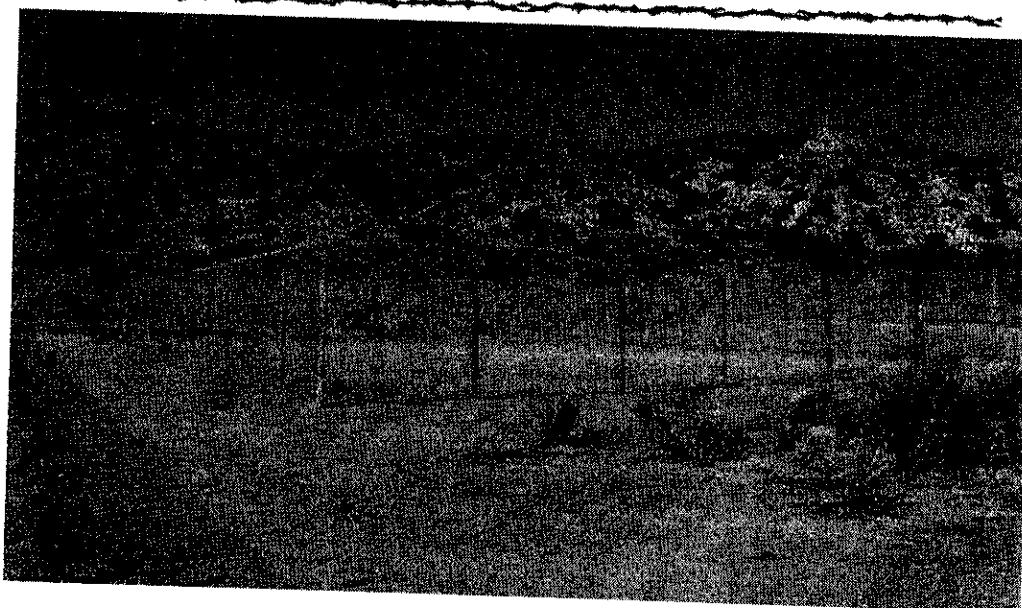
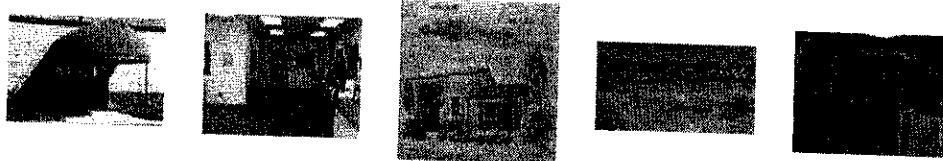
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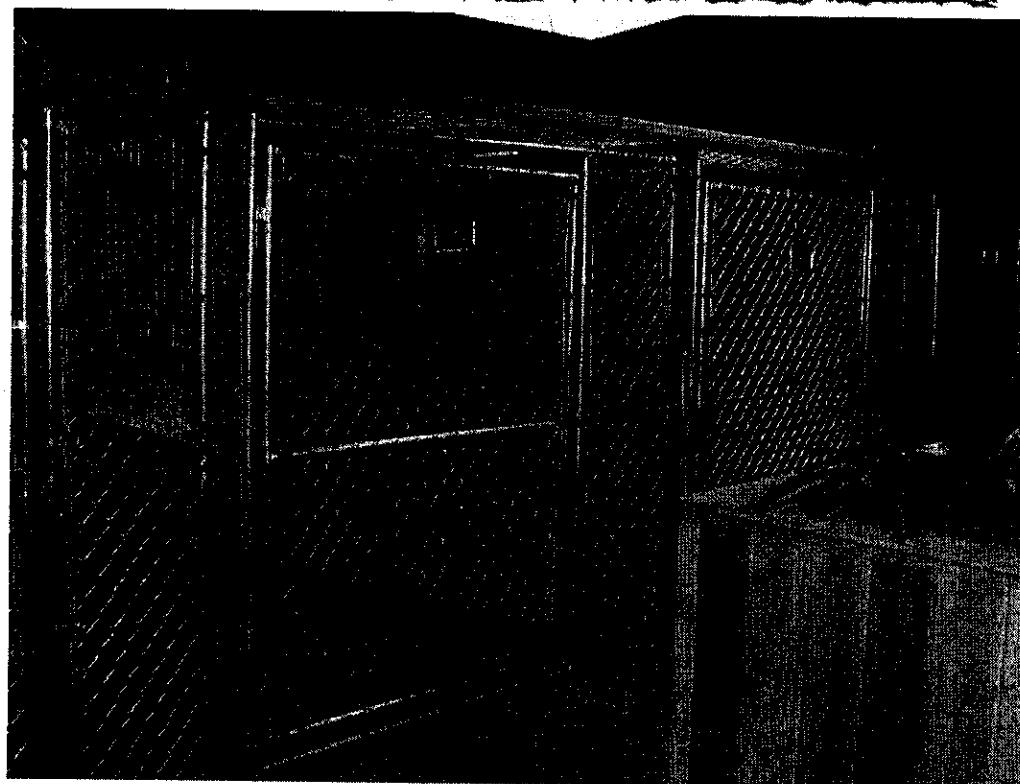
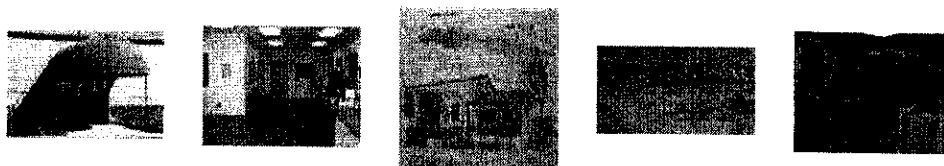
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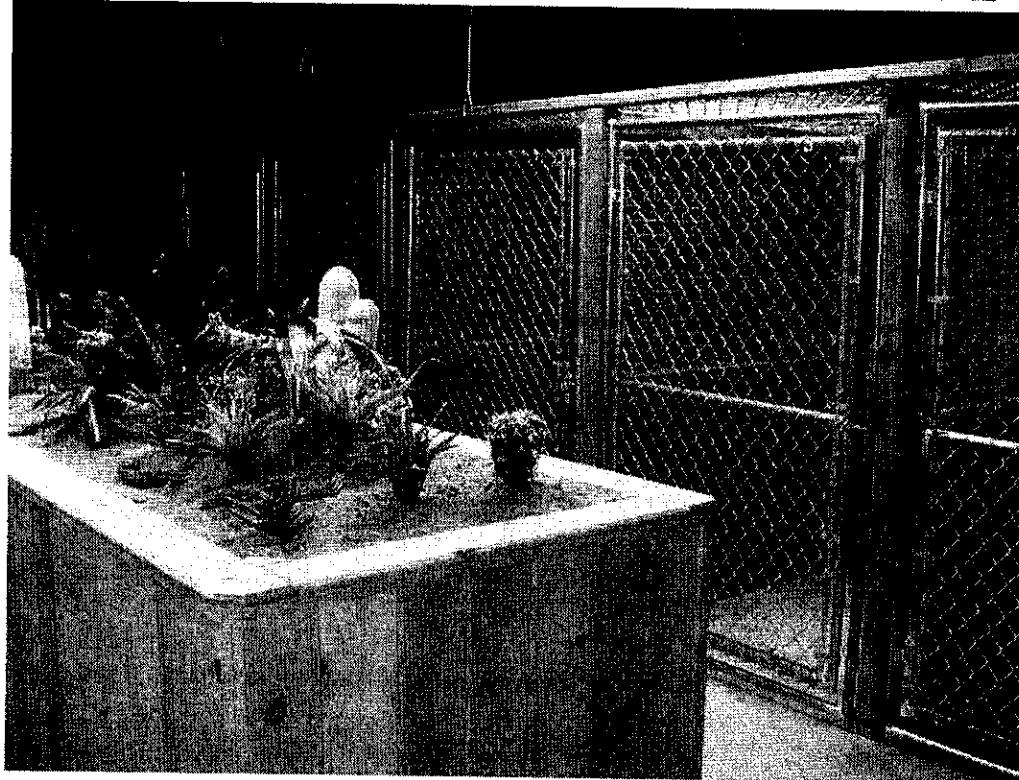
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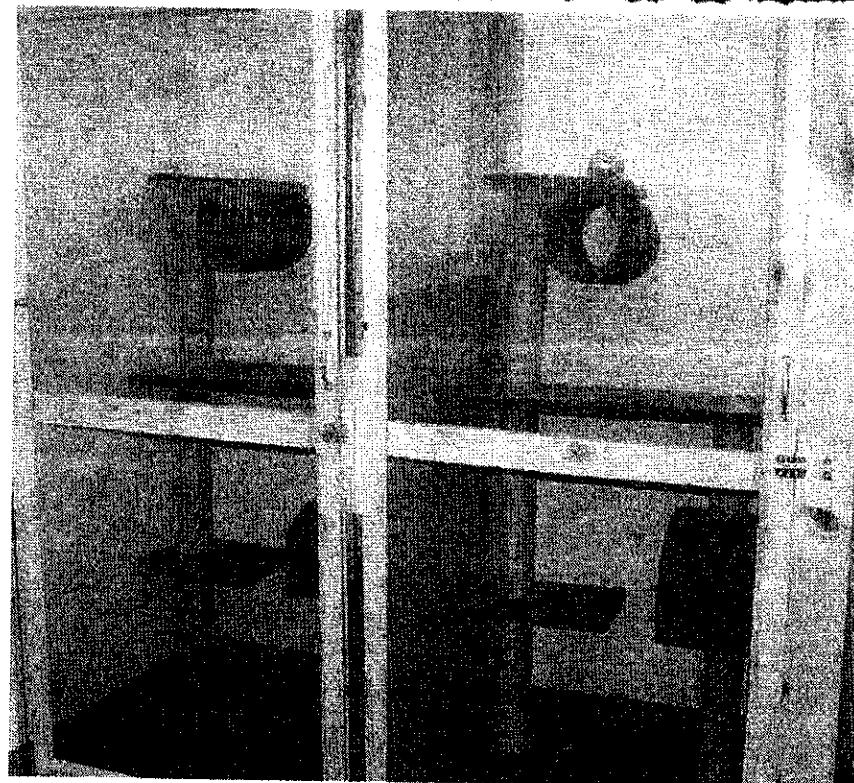
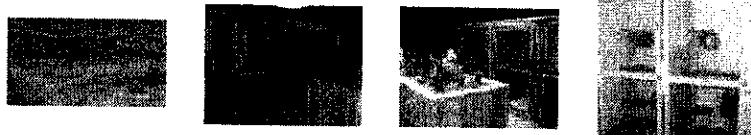
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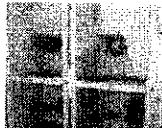
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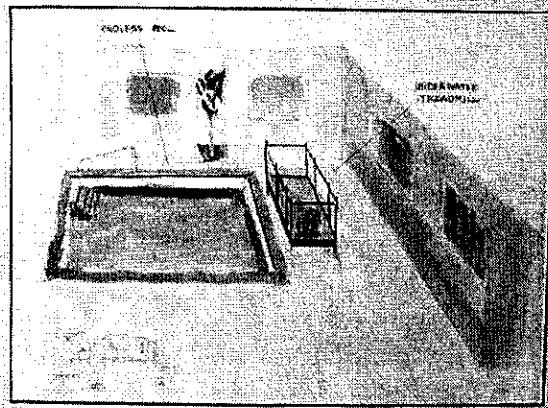
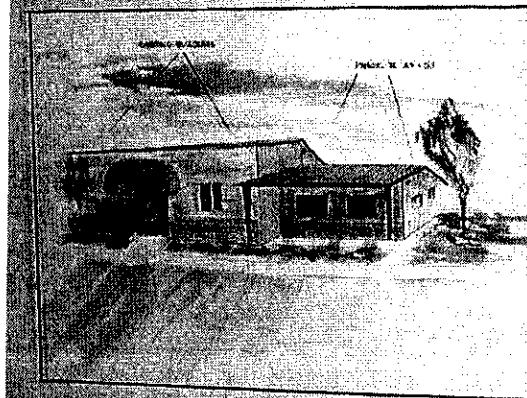
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## Animal Rehabilitation of Reno/Tahoe Phase II



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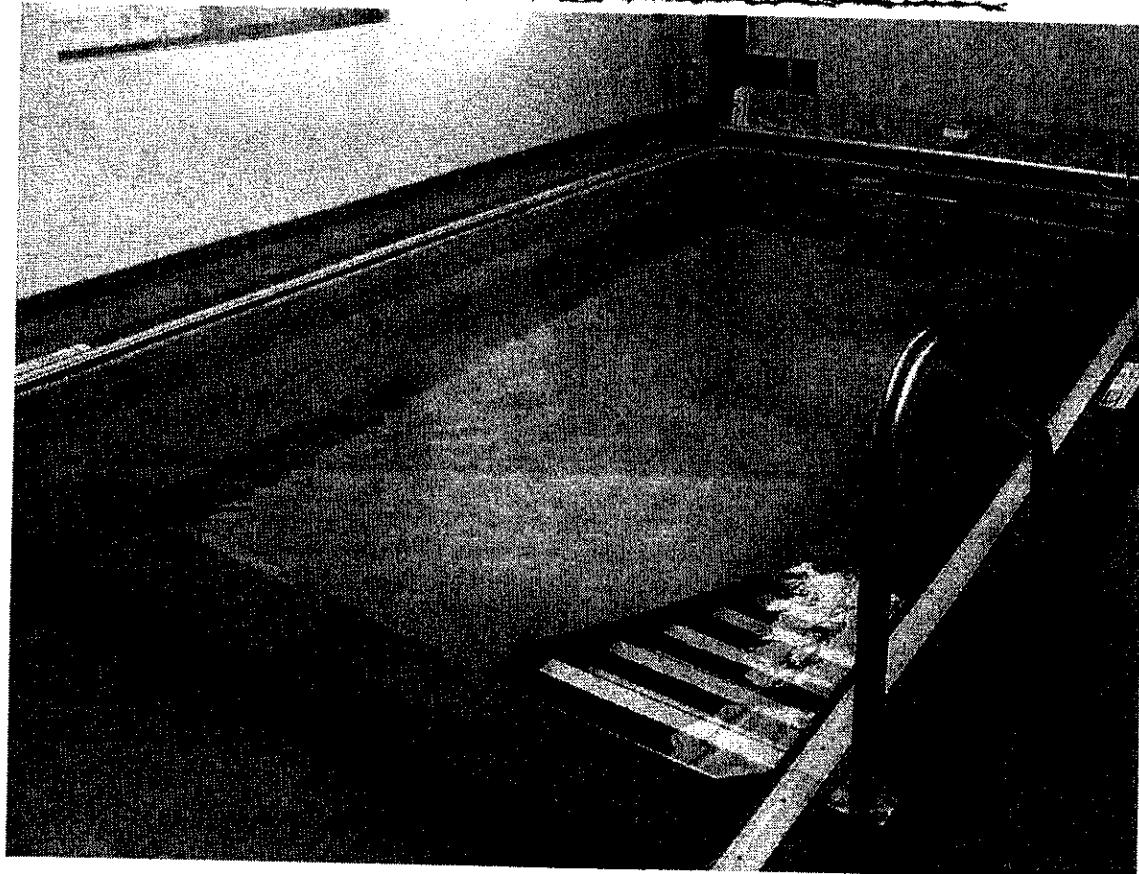
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Endless Pool

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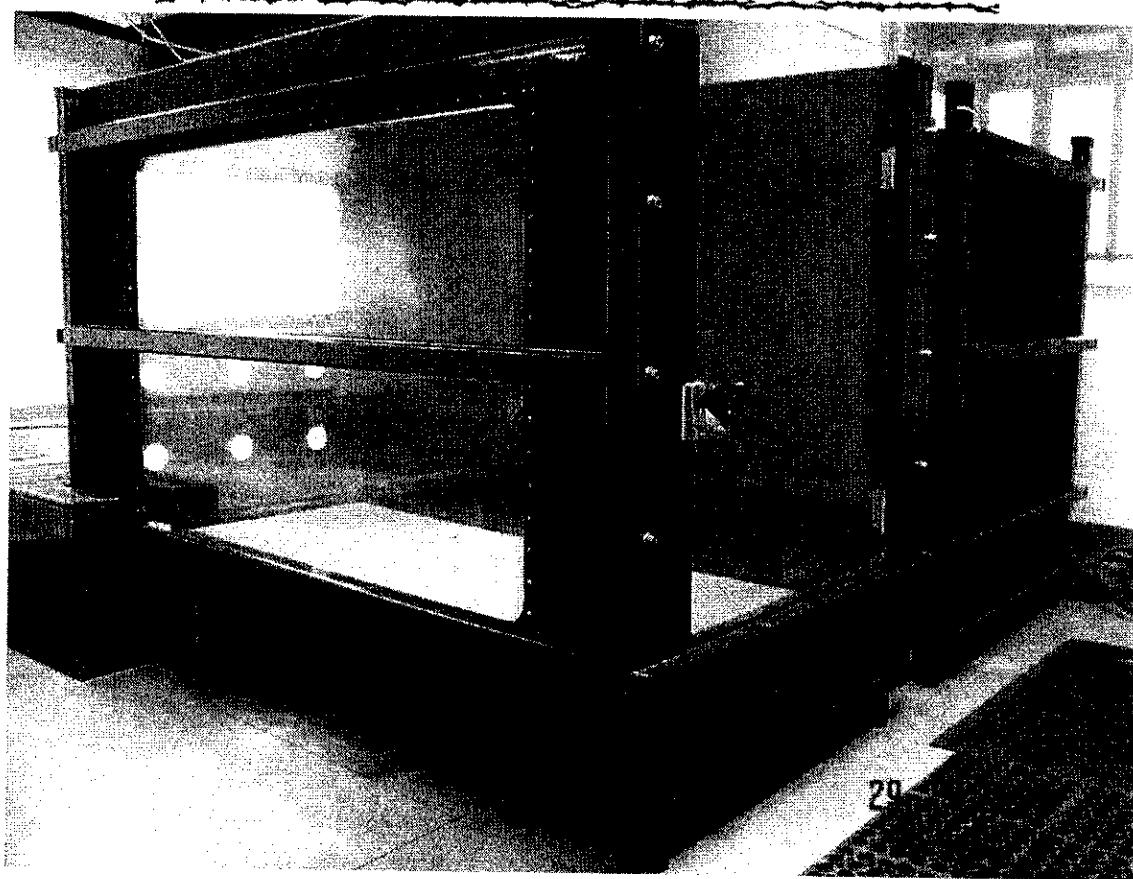
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Under Water Treadmill

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